

"(3) HEALTH CARE PROVIDER.—The term ~~health care provider~~^{pro-} includes a provider of services (as defined in section 1861(u)), a provider of medical or other health services^{(as defined in section 1861(s))}, and any other person furnishing health care services or supplies.

"(4) HEALTH INFORMATION.—The term ~~health information~~ means any information, whether oral or recorded in any form or medium, that

"(A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

"(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

"(5) HEALTH PLAN.—The term ~~health plan~~ means an individual or group plan that provides, or pays the cost of, medical care (as such term is defined in section 2791 of the Public Health Service Act). Such term includes the following, and any combination thereof:

"(A) A group health plan (as defined in section 2791(a) of the Public Health Service Act), but only if the plan ~~has~~ 50 or more participants (as defined in section 3(7) of the Employee Retirement Income Security Act of 1974); or

"(ii) is administered by an entity other than the employer who established and maintains the plan.

"(B) A health insurance issuer (as defined in section 2791(b) of the Public Health Service Act).

"(C) A health maintenance organization (as defined in section 2791(b) of the Public Health Service Act).

"(D) Part A or part B of the Medicare program under title XVIII.

"(E) The ~~medicaid~~ program under title XIX.

"(F) A Medicare supplemental policy (as defined in section 1882(a)(1)).

"(G) A long-term care policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy does not provide sufficiently comprehensive coverage of a benefit so that the policy

should be
treated as a health plan).

"(H) An employee welfare benefit plan or
any other arrangement which is established or
maintained for the purpose of offering or providing health
benefits to the employees of 2 or more employers.

"(I) The health care program for active
military personnel under title 10, United States Code.

"(J) The veterans health care program
under chapter 17 of title 38, United States Code.

"(K) The Civilian Health and Medical
Program of the Uniformed Services (CHAMPUS), as defined in
section 1072(4) of title 10, United States Code.

"(L) The Indian health service program
under the Indian Health Care Improvement Act (25
U.S.C. 1601 et seq.).